

Message Text

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DRAFTED BY: IO/HR:FJCRAWFORD

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FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO IMMEDIATE

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FOLLOWING REPEAT GENEVA 1575 SENT ACTION SECSTATE INFO USUN 04 MAR 77

QUOTE LIMITED OFFICIAL USE GENEVA 1575

E.O. 11652: N/A

TAGS: UN, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION: AGENDA ITEM 5: CHILE

1. FOLLOWING AS THE LAST PARAGRAPH IS THE TEXT
OF A PROPOSED DRAFT RESOLUTION ON CHILE. THIS TEXT HAS
NOT YET BEEN OFFICIALLY TABLED AND IS STILL A WORKING
PAPER. WE WOULD APPRECIATE DEPARTMENT COMMENT IMMEDIATELY.
USDEL RECOMMENDS STRONGLY THAT WE SUPPORT THIS TEXT
AND THAT WE BE AUTHORIZED TO CO-SPONSOR THE RESOLUTION.
U.S. CO-SPONSORSHIP WOULD BE AN IMPORTANT FACTOR IN
MAINTAINING A MODERATE TEXT AND PREVENTING ACTIVE
NON-ALIGNED, SUCH AS CUBA, FROM EXERCISING UNDUE AMOUNT
OF CONTROL OVER THE EXT.

2. WE RECOGNIZE POSSIBLE DIFFICULTIES WITH RESPECT TO
OPERATIVE PARAGRAPH 6 WHICH SUGGESTS A STUDY OF THE CONSE-
QUENCES OF VARIOUS FORMS OF AID EXTENDED TO THE CHILEAN
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AUTHORITIES. THE CO-SPONSORS POINTED OUT TO US THAT THEY HAD
CAREFULLY AVOIDED THE PHRASE "ADVERSE CONSEQUENCES" SO THAT
THE STUDY DOES NOT APPEAR TO BE PREJUDGE THE ISSUE.
FURTHERMORE, WE FEEL IT WOULD BE AN UNNECESSARILY
RIGID POSITION TO OBJECT TO A STUDY PER SE AS WE WILL
HAVE AN OPPORTUNITY TO MAKE FURTHER JUDGMENTS ONCE
THE STUDY IS COMPLETED.

3. BEGIN TEXT:

THE COMMISSION ON HUMAN RIGHTS,

CONSCIOUS OF ITS RESPONSIBILITY TO PROMOTE AND
ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
FOR ALL,

RECALLING THAT THE UNIVERSAL DECLARATION OF HUMAN
RIGHTS SOLEMNLY DECLARES THAT EVERYONE HAS THE RIGHT TO LIFE,
LIBERTY AND SECURITY OF PERSON AND THE RIGHT NOT TO BE
SUBJECTED TO ARBITRARY ARREST, DETENTION OR EXILE, OR TO
TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISH-
MENT,

RECALLING THE DECLARATION ON THE PROTECTION OF ALL
PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN
OR DEGRADING TREATMENT OR PUNISHMENT, UNANIMOUSLY ADOPTED BY THE
GENERAL ASSEMBLY IN ITS RESOLUTION 3452 (XXX).

FURTHER RECALLING GENERAL ASSEMBLY RESOLU-
TIONS 3219 (XXIX), 3448 (XXX9 AND 31/124 CONCERNING PROTECTION
OF HUMAN RIGHTS IN CHILE,

CONSIDERING ITS RESOLUTIONS 8 (XXXI) IN WHICH AN
AD HOC WORKING GROUP TO INQUIRE INTO THE PRESENT
SITUATION OF HUMAN RIGHTS IN CHILE WAS ESTABLISHED, AND 3 (XXXII),
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IN WHICH THE MANDATE OF THE AD HOC WORKING GROUP
WAS EXTENDED,

HAVING CONSIDERED THE REPORT OF THE AD
HOC WORKING GROUP (E/611.4/1221) AS WELL AS THE DOCUMENTS
SUBMITTED BY THE CHILEAN AUTHORITIES , (DOCUMENT.....)

1. EXPRESSES ITS APPRECIATION TO THE
CHAIRMAN AND THE MEMBERS OF THE AD HOC WORKING GROUP FOR THE
THOROUGH AND OBJECTIVE MANNER IN WHICH THE REPORT WAS PREPARED,
DESPITE THE PERSISTENT REFUSAL OF THE CHILEAN AUTHORITIES TO
PERMIT THE GROUP TO VISIT THE COUNTRY IN ACCORDANCE WITH
ITS MANDATE;

2. SHARES THE PROFOUND INDIGNATION EXPRESSED BY THE
GENERAL ASSEMBLY IN ITS RESOLUTION 31/124 THAT CONSTANT AND
FLAGRANT VIOLATIONS OF HUMAN RIGHTS HAVE TAKEN PLACE AND CONTINUE
TO TAKE PLACE IN CHILE, IN PARTICULAR THE INSTITUTIONAIZED PRACTICE
OF TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT,

THE DISAPPEARANCE OF PERSONS FOR POLITICAL REASONS, ARBITRARY ARRESTS, DETENTION, EXILE AND CASES OF DEPRIVATION OF CHILEAN NATIONALITY;

3. CALLS UPON THE CHILEAN AUTHORITIES TO PUT AN END TO THE INADMISSIBLE PRACTICE OF SECRET ARRESTS AND SUBSEQUENT DISAPPEARANCE OF PERSONS WHOSE DETENTION IS SYSTEMATICALLY DENIED OR NEVER ACKNOWLEDGED;

4. CALLS ONCE MORE UPON THE CHILEAN AUTHORITIES TO RESTORE AND SAFEGUARD, WITHOUT DELAY, BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND FULLY TO RESPECT PROVISIONS OF THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY, AND TO THIS END COMPLEMENT OPERATIVE PARAGRAPH 2 OF THE GENERAL ASSEMBLY RESOLUTION 31/124;

5. REQUESTS THE SECRETARY-GENERAL TO INVITE MEMBER STATES, LIMITED OFFICIAL USE

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UNITED NATIONS AGENCIES AND INTERNATIONAL ORGANIZATIONS TO INFORM HIM ON STEPS TAKEN TO IMPLEMENT OPERATIVE PARAGRAPH 4 OF GENERAL ASSEMBLY RESOLUTION 31/124, AND TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-SECOND SESSION AND TO THE COMMISSION AT ITS NINETY-SIXTH SESSION;

6. REQUESTS THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES AT ITS THIRTIETH SESSION TO UNDERTAKE A STUDY ON THE CONSEQUENCES OF THE VARIOUS FORMS OF AID EXTENDED TO THE CHILEAN AUTHORITIES AND TO PRESENT A PROGRESS REPORT THEREON TO THE COMMISSION ON HUMAN RIGHTS AT ITS THIRTY-FOURTH SESSION;

7. FURTHER REQUESTS THE SUB-COMMISSION TO ANALYSE FEASIBLE WAYS TO GIVE HUMANITARIAN, LEGAL AND FINANCIAL AID TO THOSE ARBITRARILY ARRESTED OR IMPRISONED, TO THOSE FORCED TO LEAVE THE COUNTRY AND TO THEIR RELATIVES AND TO PRESENT SPECIFIC PROPOSALS TO THE COMMISSION AT ITS THIRTY-FOURTH SESSION;

8. EXTENDS FOR ONE YEAR THE MANDATE OF THE PRESENT AD HOC WORKING GROUP, MADE UP OF THE FOLLOWING MEMBERS, TO WORK AS EXPERTS IN THEIR PERSONAL CAPACITY: MR. GHULAN ALI ALLANA (PAKISTAN, CHAIRMAN/RAPPORTEUR), MR. LEOPOLDO BENITES (ECUADOR, MR. FELIX ERMACORA (AUSTRIA), MR. ABDOULAYE DI E YE K (SENEGAL) AND MRS. M.J.T. KAMARA (SIERRA LEONE), AND REQUESTS IT TO REPORT TO THE GENERAL

ASSEMBLY AT ITS THIRTY-SECOND SESSION AND TO THE COMMISSION ON HUMAN RIGHTS AT ITS THIRTY-FOURTH SESSION, WITH SUCH ADDITIONAL INFORMATION AS MAY BE NECESSARY;

9. REQUESTS THE SECRETARY GENERAL TO RENDER TO THE AD HOC WORKING

GROUP ALL THE ASSISTANCE WHICH MIGHT REQUIRE IN ITS WORK;

10. RECOMMENDS TO THE CONOMIC AND SOCIAL COUNCIL TO MAKE
ARRANGEMENTS FOR THE PROVISION OF ASENUATE FINANCIAL RESOURCES
AND STAFF FOR THE IMPLEMENTATION OF THE PRESENT RESOLUTION;
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11. DECIDES TO CONSIDER AT ITS THIRTY-FOURTH SESSION AS A
MATTER OF HIGHPRIORITY THE QUESTION OF THE VIOLATION OF HUMAN
RIGHTS IN CHILE.

END TEXT. CATTO

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Message Attributes

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Disposition Approved on Date:
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